

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RICHARD WAYNE DURLEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-25-34-SLP
)	
STATE OF OKLAHOMA, et al.,)	
)	
Defendants.)	

ORDER


This matter is before the Court pursuant to its prior Order [Doc. No. 10] adopting the Report and Recommendation of United States Magistrate Judge Chris M. Stephens [Doc. No. 9] and ordering Plaintiff to pay the \$405.00 filing fee for this action by March 7, 2025. *Id.* at 1-2. In its Order, the Court warned Plaintiff that “[f]ailure to pay the filing fee may result in dismissal of this action without prejudice.” [Doc. No. 10] at 2.

To date, Plaintiff has failed to pay the filing fee, nor has he sought an extension of time to do so. Accordingly, this action is subject to dismissal for failure to pay the filing fee and failure to comply with the Court’s Order [Doc. No. 10]. *See* Fed. R. Civ. P. 41(b); *see also Nasious v. Two Unknown B.I.C.E. Agents*, 492 F.3d 1158, 1161 (10th Cir. 2007) (sua sponte dismissal permitted where a plaintiff fails to comply with the rules of civil procedure or the court’s orders).¹

¹ Plaintiff states his claims are based on events that occurred on November 2, 2024, so it appears the statute of limitations for his claims has not expired. *Heuston v. Ballard*, 578 F. App’x 791, 792 (10th Cir. 2014) (noting the applicable limitations period for a § 1983 claim in Oklahoma is two years). Accordingly, the Court may dismiss this action without prejudice “without consideration of the criteria applicable to a dismissal with prejudice.” *See AdvantEdge Bus. Grp. v. Thomas E. Mestmaker & Assocs., Inc.*, 552 F.3d 1233, 1236 (10th Cir. 2009).

IT IS THEREFORE ORDERED that this action is DISMISSED WITHOUT PREJUDICE for failure to pay the filing fee and failure to comply with the Court's Order. A separate judgment shall be entered contemporaneously herewith.

IT IS SO ORDERED this 19th day of March, 2025.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE